

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL THE
DISCLOSURE OR WRITTEN AND
VERBAL STATEMENTS**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

Before the Court is plaintiff Ralph Miller's Motion to Compel the Disclosure of Written and Verbal Statements, filed April 24, 2006. Doc. #462. Defendant International Business Machines ("IBM") filed an opposition on April 25 (Doc. #468), Miller filed a reply on April 26 (Doc. #478), and IBM filed a surreply on April 28 (Doc. #493).

In his motion, Miller seeks to obtain written and verbal statements obtained by IBM in the course of this litigation. Miller argues that the discovery is relevant to the subject matter of this litigation, will assist in his trial preparation, and will aid in bringing this matter to a resolution. Upon review of the parties' arguments and relevant legal authority, the Court hereby DENIES Miller's request. Under Judge Jenkins' August 2, 2005 pretrial order, all fact discovery closed on November 29, 2005 and all discovery motions should have been filed within seven days of that date. Civil L.R. 26-2. As Miller failed to bring this motion prior to the discovery cut-off five months ago, it is untimely.

IT IS SO ORDERED.

Dated: May 1, 2006



MARIA-ELINA JAMES
United States Magistrate Judge